UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/AC.237/78
27 January 1995

Original: ENGLISH

INTERGOVERNMENTAL NEGOTIATING COMMITTEE
FOR A FRAMEWORK CONVENTION ON CLIMATE CHANGE
Eleventh session
New York, 6-17 February 1995
Item 2 of the provisional agenda

ARRANGEMENTS FOR THE FIRST SESSION OF THE CONFERENCE OF THE PARTIES INCLUDING THE PROVISIONAL AGENDA

Note by the Executive Secretary

CONTENTS

		Paragraphs	Page
I.	INTRODUCTION	1 - 6	2
II.	HOST AGREEMENT	7 - 9	3
III.	NOTES ON ORGANIZATIONAL MATTERS	10 - 41	3

Annex

Revised list of possible elements for the provisional agenda of the first session of the Conference of the Parties	1 - 16	9

95-02850

I. INTRODUCTION

A. Committee mandate

1. At its tenth session, the Committee was informed of the preparations being made by the Government of Germany and the interim secretariat to organize the first session of the Conference of the Parties (COP 1) in Berlin.

2. At that session, the Committee considered a list of possible elements for a provisional agenda for COP 1 (A/AC.237/62). The Committee requested the Executive Secretary to revise that list in consultation with the Chairman and the Bureau, in accordance with the normal practice and in the light of the outcome of the tenth session (A/AC.237/76, para. 138).

3. The interim secretariat was also requested to inform the Committee at its eleventh session of the intergovernmental and non-governmental organizations that would by then have expressed their wish to be represented at COP 1 as observers (A/AC.237/76, para. 139).

B. Scope of the note

4. The present note provides information on the preparations for the first session of COP, and on the host agreement concluded with the Government of Germany. The document also includes some notes on organizational matters and a revised list of possible elements of the provisional agenda for COP 1 (annexed).

5. This note is supplemented by two addenda: The first (A/AC.237/78/Add.1) provides general information that may be helpful for participants about practical arrangements to attend and participate in the session, and the second (A/AC.237/78/Add.2) will contain a list of intergovernmental and non-governmental organizations that have expressed their wish to be represented at COP 1 as observers.

C. Possible action by the Committee

6. The Committee is invited to take note of the information in this note and to consider and act on the suggestions herein on:

(a) the preparation of the provisional agenda for COP 1 (see paras. 17-18 below);

(b) the admission of organizations as observers (see paras. 32-33);

(c) the establishment of a sessional Committee of the Whole (see paras. 35 and 42);

(d) participation in the debate during the ministerial segment and duration of statements (see paras. 39-40).

II. HOST AGREEMENT

7. It will be recalled that, at its ninth session, the Committee was informed that the General Assembly at its forty-eighth session had welcomed the invitation of Germany to host the first session of the Conference of the Parties in Berlin and had agreed that the session should be held there from 28 March to 7 April 1995, subject to the applicable provisions of the United Nations Framework Convention on Climate Change. Furthermore, according to General Assembly resolution 40/243 of 18 December 1985, when a Government issues an invitation for a session to be held within its territory, it must agree to defray the actual additional costs directly or indirectly involved, after consultation with the United Nations on their nature and possible extent. Consequently, the interim secretariat has held discussions with the Government of Germany in order to conclude an agreement for that Government to host COP 1.

8. The agreement in question was signed on 24 January 1995 by the Executive Secretary of the interim secretariat of the United Nations Framework Convention on Climate Change, duly authorized by the Secretary-General of the United Nations, and by the Permanent Representative of the Federal Republic of Germany to the United Nations Office and other International Organizations at Geneva.

9. The agreement contains specific provisions with regard ,inter alia, to the date and place of the session, attendance, premises, equipment, utilities and supplies, security, transportation, local personnel, privileges and immunities as well as other services which may be necessary for the session.

III. NOTES ON ORGANIZATIONAL MATTERS

A. Participation

(a) Notification and attendance

10. Formal notification of the first session will be communicated shortly to the permanent missions to the United Nations in New York of all Parties to the Convention, with copy to the permanent missions in Geneva, as well as to observers referred to in Article 7 paragraph 6 of the Convention. The notification will request that the representatives of Parties be provided with full powers to participate in the session, including the possibility to serve as officers of COP 1 and of any sessional bodies, and as officers of the subsidiary bodies established by the Convention.

11. The Committee, at its tenth session, agreed to recommend that Parties include in their delegations, in accordance with their capacities, representatives with expertise in the various economic, social, scientific and environmental fields that are relevant to the objectives of the Convention, owing to the wide range of matters that are to be decided by the COP, and in order to ensure effective participation of Parties during COP 1 (A/AC.237/76, para. 137).

(b) Financial support for participation

12. At its tenth session, the Committee "noted that, in accordance with paragraph 15 of General Assembly resolution 47/195 of 22 December 1992, the special voluntary fund for participation, established under paragraph 10 of General Assembly resolution 45/212, would be maintained up to COP 1 (A/AC.237/76, para. 140).

(c) Credentials

13. The credentials of representatives of Parties, as well as the names of alternate representatives and advisers, shall be submitted to the secretariat in accordance with rule 19 of the draft rules of procedure. The credentials should be issued either by the Head of State or Government or by the Minister of Foreign Affairs. The Bureau of COP 1 will examine the credentials and will submit its report to the Conference (see rule 20 of the draft rules of procedure).

B. Agenda

14. The COP will have to adopt the agenda for its first session. The Committee, at its tenth session, "requested the Executive Secretary to revise the list of possible elements for the provisional agenda for COP 1, in consultation with the Chairman and the Bureau, in accordance with the normal practice and in the light of the outcome of the tenth session of the Committee" (A/AC.237/76, para. 138).

15. In response to this request, a revised list of possible elements for a provisional agenda is contained in the annex to this note. It should be noted that items 4 (b) and (f), and 6 to 10 of that list include the tasks specified in the Convention for action by the first session of the Conference of the Parties, in accordance with the decision taken by the Committee at its sixth session (A/AC.237/24, paras. 44 and 45). It will also be noted that in accordance with requests from the Committee at its tenth session, "an item on the work plan for the subsidiary bodies and another on review of the list of countries included in Annex I to the Convention, in accordance with Article 4.2(g)" (A/AC.237/76, para. 138) have been included in the revised list of possible elements (see item 6 (e) and 11 of the annex).

16. Owing to the late preparation of this document, it was not possible to consult the Chairman and the Bureau members fully on the revised list of possible elements for the agenda. Consequently, it is possible that the Chairman and the Bureau will have some comments to make on this list at the session.

17. The Committee may wish to consider the revised list of possible elements for a provisional agenda, together with any comments thereon by the Chairman and the Bureau, and give guidance concerning the preparation of the provisional agenda for COP 1.

18. Taking account of past practice and the draft rules of procedure of the Conference of the Parties, the Executive Secretary could draw up a provisional agenda for COP 1, in the light of the outcome of the eleventh session of the Committee and in consultation with the Chairman and Bureau of the Committee, and prepare annotations to that provisional agenda.

C. Officers

19. It will be recalled that, at its tenth session, the Committee "recommended that the chairmen and other officers of the subsidiary bodies be elected during COP 1 and that preliminary informal consultations on the election of all officers, including officers of the subsidiary bodies, be conducted by the Chairman of the Committee during and between the tenth and eleventh sessions of the Committee, taking into account that the composition of the Bureau of the COP was still under negotiation" (A/AC.237/76, para. 136).

20. In accordance with this request, preliminary informal consultations on the election of all officers of COP 1 and of the subsidiary bodies are being undertaken by the Chairman of the Committee with the coordinators of regional groups.

21. In these consultations, reference is being made to rule 22 of the draft rules of procedure of the Conference of the Parties, which states that "at the commencement of the first meeting of each ordinary session, a President, **seven Vice-Presidents, the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention,** and a Rapporteur shall be elected from among the representatives of the Parties present at the session. They will serve as the Bureau of the COP. Each of the five regional groups shall be represented by **two** Bureau members **and one Bureau member shall represent the small island developing states.** The offices of President and Rapporteur shall normally be subject to rotation among **the five regional groups**" .

22. In addition, draft rule 27 concerning officers of subsidiary bodies is also being taken into account. Paragraph 6 of this rule provides that "**Each subsidiary body shall elect its own Vice-Chairman and Rapporteur**" (see document A/AC.237/L.22/Rev.1; emphasis is shown as in the current draft of these rules).

23. The Convention establishes that COP 1 shall be convened by the interim secretariat (see Articles 7, paragraph 4, and 21 of the Convention). Accordingly, the Executive Secretary, as the head of the interim secretariat, will open the session and invite the Conference to elect the President.

24. At an appropriate point in the proceedings, the President will invite the COP to elect the remainder of its officers and the Chairmen of the subsidiary bodies established by Articles 9 and 10 of the Convention, according to rule 22 of the draft rules of procedure.

25. After the election of the Chairmen of the two subsidiary bodies, these may meet briefly and consecutively for the election of their other officers.

D. Admission of organizations as observers

26. The admission of intergovernmental and non-governmental organizations as observers is governed by Article 7, paragraph 6, of the Convention. (That article also deals with other categories of observers, namely "the United Nations, its specialized agencies and the International Atomic Energy Agency, as well as any States member thereof or observers thereto not Party to the Convention", which are entitled to be represented at sessions of the Conference of the Parties as observers.)

27. With regard to such admission, and in pursuance of the same Article of the Convention, the interim secretariat was requested by the Committee at its tenth session, to inform it "at its eleventh session of the intergovernmental and non-governmental organizations that would by then have expressed their wish to be represented at COP 1 as observers" (see A/AC.237/76, para. 139). Accordingly, the Executive Secretary wrote on 12 October 1994 to intergovernmental and non-governmental organizations that have attended sessions of the Committee, inviting them to express their wish to be represented as observers at COP 1.

28. A list of intergovernmental and non-governmental organizations having expressed their wish to be invited, as of 31 January 1995, will be prepared by the interim secretariat; it will be contained in addendum 2 to this note. This list originates from two sources:

(a) Responses to the above-mentioned letter of 12 October 1994 by the Executive Secretary.

(b) Unsolicited letters received by the interim secretariat from organizations never having attended sessions of the Committee, expressing their interest in being represented as observers at COP 1.

29. Pending guidance from COP 1 on the admission of observers, the interim secretariat has followed the practice established with respect to the Committee. This follows United Nations practice pertaining to non-governmental observers whereby NGOs are asked to provide proof of their non-profit (tax-exempt) status in a State member of the United Nations or of a specialized agency or of the International Atomic Energy Agency, as well as information on activities relevant to the Convention.

30. In the context of Article 7 paragraph 6 which covers bodies or agencies that are "national" and "governmental", a few organizations functioning at the sub-national level (for example, at the level of province, state or municipality) have requested admission to COP 1. They have been advised to seek either membership of their national delegation or observer status through national or international non-governmental organizations.

31. With regard to non-governmental organizations, the present practice for sessions of the Committee is that these organizations have been allowed complete access to all the official meetings and, with the permission of the chair and the body concerned, to speak at working group meetings. In addition, statements to the Plenary on behalf of representative groups of NGOs have been allowed once, during each session. The interim secretariat proposes that the present practice be maintained mutatis mutandis at COP 1.

32. COP 1 will need to take a decision in accordance with Article 7, paragraph 6 regarding the admission as observers of those organizations appearing on the list in addendum 2. In this regard, the following procedural decision could be recommended by the Committee for adoption by COP 1:

> "The Conference of the Parties decides to admit as observers to its first session, in accordance with Article 7, paragraph 6, those organizations appearing on the list contained in addendum 2 of document A/AC.237/78."

33. It is possible that additional intergovernmental and non-governmental organizations may, at a later date, express their wish to be represented as observers at COP 1. To facilitate the admission of those organizations to COP 1, the Committee may wish to request the interim secretariat to prepare, in consultation with the Bureau, an additional list containing those late submissions.

E. Organization of work

(a) Segments

34. At its tenth session, the Committee decided "to recommend to the Conference of the Parties that its first session be organized in two segments: a segment at the level of senior officials, from 28 March to 4 April 1995, during which Parties could advance negotiations on any issues that were not resolved at the eleventh session of the Committee and prepare draft decisions thereon; and a ministerial segment, from 5 to 7 April 1995, during which the COP would finalize discussions and adopt decisions" (A/AC.237/76, para. 135).

(b) Allocation of tasks

35. COP 1 will have to decide on the allocation of tasks to one or more sessional bodies. The Committee may wish to recommend that the Conference establish a sessional Committee of the Whole, chaired by a Vice-President of the Conference, in which all delegations could participate. The Committee of the Whole would have the task of recommending decisions for adoption by the Conference; it may delegate work, as appropriate, to drafting groups chaired by other
Vice-Presidents of COP 1. The number of meetings taking place simultaneously would be limited to two, to facilitate the work of small delegations.

(c) Schedule of meetings

36. A tentative schedule of meetings will be proposed by the secretariat based on the availability of facilities during normal working hours. It is planned that services will be available for two concurrent meetings with interpretation.

F. Statements

37. At the opening of the session, following a statement by the newly-elected President of COP 1, the Chairman of the Committee, the executive heads of partner organizations invited to do so, and the Executive Secretary will make statements (item 3 of the list of elements). Other organizational statements may be made, as appropriate, at other plenary meetings in the first part of the session.

38. The Chancellor of the Federal Republic of Germany will address COP 1 at the start of the ministerial segment (item 12 (a)) on 5 April.

39. The Committee may wish to recommend to COP 1 that debate during the ministerial segment be limited to Ministers and other heads of delegations of Parties wishing to make an intervention. The list of speakers for this debate will be open from 10 February to 20 March 1995, c/o Mr. V. Zelenov, Secretary of the Committee, room S-2963, Fax (1-212) 963-5935. The list will subsequently be communicated to the President of COP 1.

40. Given that there will be a maximum of 118 Parties at COP 1, statements will have to be of limited duration. For example, if - through provision of night meetings - 15 working hours were available, then the average time for each statement would be approximately 7.5 minutes.

G. Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change

41. The purpose of this item would be for COP 1 to take formal note of the report of the Committee on the work of its eleventh session, including its recommendations. That report would have been introduced by the Chairman of the Committee in his statement at the opening of the session.

42. Having taken note of the Committee's report, the COP might be able to endorse some or all of the Committee's recommendations without referring them to a Committee of the Whole or other sessional body, even if these recommended actions are left for formal adoption during the ministerial segment of the session (see item 12(c) in the list). In this way, the work of the COP, and of any sessional body or bodies that it may set up, could be concentrated on matters which still require negotiation.

Annex

REVISED LIST OF POSSIBLE ELEMENTS FOR THE PROVISIONAL AGENDA OF THE FIRST SESSION OF THE CONFERENCE OF THE PARTIES (BERLIN, 28 MARCH - 7 APRIL 1995)

1. Opening of the session.

2. Election of the President.

3. Statements at the opening of the session by:

   (a) the President
   (b) the Chairman of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change;
   (c) heads of organizations;
   (d) the Executive Secretary.

4. Organizational matters:

   (a) Adoption of the agenda;
   (b) Adoption of the rules of procedure;
   (c) Status of ratification of the Convention;
   (d) Election of the other officers of the Conference of the Parties and the Chairmen of the subsidiary bodies;
   (e) Election of other officers by the subsidiary bodies;
   (f) Admission of organizations as observers;
   (g) Organization of work.

5. Report of the Intergovernmental Negotiating Committee for a Framework Convention on Climate Change.

6. Matters relating to commitments:

   (a) First review of information communicated by each Party included in Annex I to the Convention, including:

      i. Review of national communications - compilation and synthesis, including the overall effects of policies and measures;

ii. Process for the ongoing review of information, including guidelines for the preparation and periodicity of communications, and operational procedures for transmission, distribution and translation;

iii. Application of Articles 4 paragraph 6.

(b) Methodological issues;

(c) Review of the adequacy of commitments in Article 4, paragraph 2 (a) and (b), including proposals for protocols and decisions on follow-up;

(d) Criteria for joint implementation;

(e) The roles of the subsidiary bodies established by the Convention, including their programmes of work and calendars of meetings;

(f) Report on implementation.

7. Matters relating to arrangements for the financial mechanism: Implementation of Article 11, paragraphs 1-4, including:

(a) Guidance on programme priorities, eligibility criteria and policies, and on the determinations of "agreed full incremental costs";

(b) Consideration of a report of the interim operating entity;

(c) Consideration of the maintenance of the interim arrangements referred to in Article 21;

(d) Modalities for the functioning of operational linkages between the COP and the operating entity or entities of the financial mechanism;

8. Provision to developing country Parties of technical and financial support.

9. Designation of a permanent secretariat and arrangements for its functioning:

(a) Institutional linkages;

(b) Financial rules of the Conference of the Parties and of its subsidiary bodies including adoption of the budget for 1996/97;

(c) Physical location.

10. Consideration of the establishment of a multilateral consultative process for the resolution of questions regarding implementation (Article 13).

11 Review of the list of countries included in Annex I to the Convention.

12. Ministerial segment:

(a) Address by the Chancellor of the Federal Republic of Germany,
(b) Statements by Ministers and other heads of delegations of Parties wishing to make an intervention,
(c) Conclusion of outstanding issues and adoption of decisions.

13. Adoption of the report on credentials.

14. Date and venue of the second session of the Conference of the Parties.

15. Any other matters.

16. Adoption of the report of the Conference of the Parties on its first session and closure of the session.